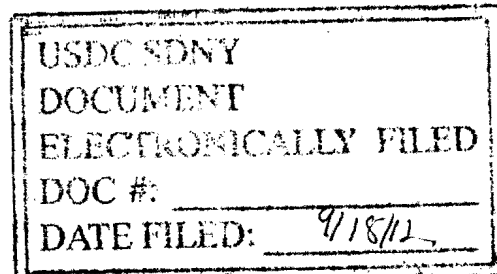


SEP-14-2012 09:58 FROM:

TO: 212 805 7920

P.2/2



September 14, 2012

BY FACSIMILE: (212) 805-7920

Honorable Shira A. Scheindlin
 United States District Judge
 United States Courthouse
 500 Pearl Street
 New York, NY 10007

*Request granted. Parties are
 instructed to update the
 Court by October 14, 2012*

Re: *American Civil Liberties Union Foundation v. United States
 Department of Justice, et al., No. 12 Civ. 4677 (SAS)*

*Sept. 18,
 2012*

*Shira A. Scheindlin
 U.S.D.J.*

Dear Judge Scheindlin:

Plaintiff American Civil Liberties Union Foundation instituted this action pursuant to the Freedom of Information Act, 5 U.S.C. § 552, to obtain records from various components of the United States Department of Justice and the Department of the Treasury regarding their access to the contents of individuals' private electronic communications. On behalf of the parties, and pursuant to this Court's August 17, 2012 Order, plaintiff writes to update the court on the parties' progress towards reaching a stipulation defining the scope of defendants' search and production obligations.

While the parties have been working to reach a stipulation, negotiations are ongoing and the parties propose to update the court again on their progress in 30 days' time. Since defendants filed their answer, the parties have conferred by telephone to discuss each paragraph of plaintiff's FOIA request in detail. Defendants have also circulated concrete proposals to plaintiff for the narrowing and processing of four of the six paragraphs of plaintiff's request, and plaintiff has supplied defendants with more specific explanations regarding the nature of the records it seeks for the remaining two paragraphs. In addition, the parties are negotiating — and attempting to reach agreement on — search methodologies for the various aspects of plaintiff's request, in an effort to avoid future litigation over the adequacy of defendants' searches. While the parties have not yet reached an agreement, they believe that it would be productive to continue their negotiations.

Yours truly,

Nathan Freed Wessler
 Counsel for plaintiff

cc: Christopher B. Harwood
 Counsel for defendants

AMERICAN CIVIL LIBERTIES
 UNION FOUNDATION
 NATIONAL OFFICE
 135 BROAD STREET, 14TH FL.
 NEW YORK, NY 10004-2400
 TEL: 212 549 1500
 WWW.ACLU.ORG

SUEAN N. HERMAN
 CHIEF OF STAFF

ANTHONY D. ROMERO
 EXECUTIVE DIRECTOR